

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

MORGAN STANLEY MORTGAGE  
CAPITAL HOLDINGS LLC, AS  
SUCCESSOR-IN-INTEREST TO MORGAN  
STANLEY MORTGAGE CAPITAL INC.,

## SUMMONS IN A CIVIL CASE

V.

FREMONT INVESTMENT & LOAN,

CASE NUMBER:

07 CIV 9457

TO: (Name and address of defendant)

Freemont Investment & Loan  
c/o CT Corporation System, its registered agent for service  
111 Eighth Avenue  
New York, NY 10011

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard A. Edlin, Esq.  
Ann C. Turetsky, Esq.  
Greenberg Traurig, LLP  
200 Park Avenue  
New York, New York, 10166  
(212) 801-9200

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

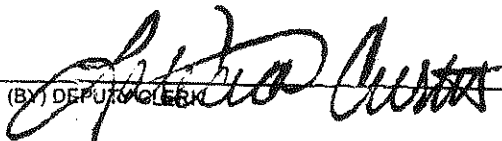
**J. MICHAEL McMAHON**

CLERK

OCT 23 2007

DATE

(BY) DEPUTY CLERK



AO 440 (Rev. 10/93) Summons in a Civil Action -SDNY WEB 4/99

**RETURN OF SERVICE**Service of the Summons and Complaint was made by me<sup>1</sup>

DATE

NAME OF SERVER (PRINT)

TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.